S.B.Cr.Misc. Bail App. No.5545/2007
(Bheru Lal Vs. State of Rajasthan)

Date of order : 28.11.2007

HON'BLE MR.H.R.PANWAR, J.

Mr. R.S. Chundawat for the petitioner.

Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned as well as the challan papers.

It is contended by learned counsel for the petitioner that the similarly situated co-accused namely Guman Singh, Bhanwar Singh, Prabhu Singh, Chittar Singh and Ramniwas @ Rameshwar have been granted bail by this Court vide orders dated 23.11.2007 and 22.11.2007 and the case of the present petitioner is not distinguishable from those of the co-accused. Learned counsel for the petitioner submits that the eye witnesses have been examined and they have not supported the prosecution case and turned hostile.

On careful perusal of the statements of the eye witnesses, it appears that they did not support the prosecution case and turned hostile. This fact has not been disputed by the learned Public Prosecutor.

Having regard to the facts and circumstances of the case and the fact that the eye witnesses did not support the prosecution case and similarly situated co-accused have been granted bail, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Bheru Lal s/o Lalu Ram @ Lala Gadari be released on bail in FIR No.88/2007 P.S. Kareda, District Bhilwara, provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

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